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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kevin Packingham

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EXAMINER

GAUTHIER, GERALD

ART UNIT

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2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/964,099	<b>Applicant(s)</b> PACKINGHAM ET AL.	
	<b>Examiner</b> Gerald Gauthier	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1-10** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. **Claim 1** is a single means claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. **Claims 1-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metcalf (US 2002/0122541 A1) in view of Picard et al. (US 6,233,318 B1).

Regarding **claim 1**, Metcalf discloses a voice command platform (voice-activated interactive multimedia information processing system, paragraph 0001) programmed to receive a call from a user (paragraph 0026), to answer the call (paragraph 0028).

Metcalf fails to disclose an indication of the counts of messages waiting for the user at the plurality of message portals.

However, Picard teaches a speech signal representing a consolidated summary of counts of messages waiting for the user at a plurality of message portals (FIG. 4 and column 6, lines 48-55).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Metcalf using the teaching of notifying the message count as taught by Picard.

This modification of the invention enables the system to have an indication of the counts of messages waiting for the user at the plurality of message portals so that the user would be aware of the new messages.

Regarding **claims 2 and 12**, Picard teaches a voice command platform, further programmed to maintain a record of counts of messages waiting for the user at the plurality of message portals (FIG. 4 and column 6, lines 48-55).

Regarding **claim 3**, Picard teaches a voice command platform, wherein the plurality of message portals comprises a portal selected from the group consisting of (i) an e-mail portal, (ii) a voice mail portal, (iii) a fax portal, and (iv) an instant messaging portal (FIG. 4).

Regarding **claims 4, 14 and 20**, Picard teaches a voice command platform, further programmed to receive update signals from the plurality of message portals, the update signals indicating updates of counts of messages waiting for the user at the plurality of message portals (FIG. 4 and column 6, lines 48-55).

Regarding **claim 5**, Metcalf discloses a voice command platform, further programmed to update the record based on the update signals (paragraph 0040).

Regarding **claims 6, 15 and 21**, Metcalf discloses a voice command platform, further programmed to request message-waiting updates from the plurality of message portals, wherein the voice command platform receives the update signals in response (paragraph 0040).

Regarding **claims 7 and 19**, Metcalf discloses a voice command platform, wherein the voice command platform is programmed to periodically poll the plurality of message portals for the message-waiting updates (paragraph 0040).

Regarding **claims 8 and 18**, Metcalf discloses a voice command platform, further programmed to personalize the consolidated summary based on a notification profile maintained for the user (paragraph 0034).

Regarding **claims 9 and 22**, Metcalf discloses a voice command platform, wherein the notification profile for the user indicates parameters to include in the consolidated summary, and wherein the platform therefore includes those parameters in the consolidated summary (paragraph 0036).

Regarding **claim 10**, Metcalf discloses a voice command platform, wherein the notification profile for the user indicates user-specific name of at least one of the message portals, and wherein the consolidated summary refers to the message portal by the user-specific name (paragraph 0042).

Regarding **claim 11**, Metcalf in combination with Picard teaches all the limitations of claim 11 as stated on claim 1's rejection above. Furthermore Picard discloses a user communication interface (paragraph 0024);

a processor (5 on FIG. 1);

an application-processing module (9 on FIG. 1);

a voice-processing module (7 on FIG. 1);

a user profile store (8 on FIG. 1); and

consolidated-message-notification logic (paragraph 0040).

Regarding **claim 13**, Metcalf discloses a voice command platform, wherein: the processor receives update-messages from the plurality of message portals, the update messages indicating updated counts of messages waiting at the message portals for at least one user (paragraph 0040); and

based on the update-messages, the processor updates the consolidated message summary for at least one user (paragraph 0040).

Regarding **claims 16 and 23**, Metcalf discloses a voice command platform, wherein the user communication interface communicates with at least some users over a communication path comprising a wireless communication link (paragraph 0024).

Regarding **claim 17**, Metcalf in combination with Picard teaches all the limitations of claim 17 as stated on claim 1's rejection above. Furthermore Picard discloses presenting to the common user a spoken message (paragraph 0040).

### ***Response to Arguments***

7. Applicant's arguments with respect to **claims 1-23** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Gauthier  
Primary Examiner  
Art Unit 2614

GG  
March 6, 2008

/Gerald Gauthier/  
Primary Examiner, Art Unit 2614